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## THE EMPLOYMENT TRIBUNALS

**Claimant:** Mr W McDermott  
**Respondent:** The Diocese of Chelmsford Vine Schools Trust  
**Heard at:** East London Hearing Centre    **On:** 12 December 2016  
**Before:** Employment Judge Hyde (sitting alone)

### Representation

**Claimant:** Ms Leadbetter (Counsel)  
**Respondent:** Mrs B Huggins (Counsel)

## JUDGMENT

With the consent of the parties, and upon the Claimant having withdrawn his victimisation complaint, that claim was dismissed forthwith.

## TELEPHONE PRELIMINARY HEARING (CLOSED) SUMMARY

### *Case summary*

1. The Claimant brings various complaints relating to the disciplinary action and subsequent termination of his employment. He contends that these were related to his age and disability. In addition he complained that he had been unfairly dismissed and harassed by reason of age.
2. The Tribunal would need to determine whether any of the Claimant's Equality Act complaints was out of time.

3. The Tribunal made the following directions and thereby amended or varied the directions which had previously been set out in a case management order which was sent to the parties on 8 December 2016.

## **ORDERS**

Made under the Employment Tribunals Rules of Procedure 2013

### ***Amended list of issues***

1. By **19 December 2016** the Claimant's solicitors are to send to the Tribunal an amended list of issues agreed with the Respondent and copied to the Respondent at the same time. It will be most convenient if this is sent by email.
2. The Claimant is further to confirm by the same time that his amended list of issues sets out the totality of his claim. This will relieve the Claimant of the need to set out further and better particulars of the claim which were requested by the Respondent in their grounds of resistance.

### ***Open Preliminary Hearing on disability***

3. The Tribunal directed that an Open Preliminary Hearing should take place on **27 February 2017** commencing at 10am with a time estimate of one day before any Judge sitting alone in order to determine whether the Claimant was a disabled person at the material times.
4. The Claimant is to provide disclosure to the Respondent of all medical and other records on which he proposes to rely to establish that he was a disabled person at the material times, by **30 January 2017**.
5. Also by **30 January 2017** the Claimant is to file and to provide to the Tribunal and the Respondent an impact statement setting out the effects of his disability on his ability to carry out normal day to day activities, etc for all the relevant periods.
6. Thereafter, by **13 February 2017** the Respondent is to notify the Tribunal in writing with a copy to the Claimant as to whether disability is still disputed. If it is, the Respondent is to set out the grounds for the dispute.
7. Thereafter, if the matter is still disputed the parties are to prepare for the Open Preliminary Hearing as set out above. Further, the parties are to liaise in order for the Claimant's representative to prepare a bundle of documents for use at the Open Preliminary Hearing.

### ***Full Merits Hearing***

8. The dates of the Full Merits Hearing were varied as follows. It will now take place over five days on **19 & 20, 25, 26 & 27 April 2017**. The Tribunal noted that the Claimant is unable to attend a hearing on **21 April 2017**.

9. The schedule of issues is to be provided as directed in this order and the previous order is varied accordingly.
10. In relation to statement of remedy, this is, as before, to be provided in draft by **21 December 2016**.
11. The updated schedule of loss is to be provided by **19 March 2017**.
12. In relation to the previous order for disclosure of documents, the dates for compliance were changed from 12 January 2017 and 14 days thereafter in respect of inspection, to lists and copy documents to be exchanged in one step on **30 January 2017**.
13. In relation to the bundle/file of documents for the main hearing, the dates of 26 January & 16 February previously directed were varied to **16 February & 9 March 2017** respectively.
14. In relation to the provision and exchange of witness statements, these are to be exchanged by **22 March 2017** instead of 9 March 2017 as previously directed.
15. There was no change to the previous direction about the provision of an agreed cast list/chronology.

***Judicial mediation***

16. It was not considered appropriate at the moment.

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Employment Judge Hyde

10 January 2017

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**NOTES: (1) Any person who without reasonable excuse fails to comply with an Order to which section 7(4) of the Employment Tribunals Act 1996 applies shall be liable on summary conviction to a fine of £1,000.00.**

**(2) Under rule 6, if this Order is not complied with, the Tribunal may take such action as it considers just which may include (a) waiving or varying the requirement; (b) striking out the claim or the response, in whole or in part, in accordance with rule 37; (c) barring or restricting a party's participation in the proceedings; and/or (d) awarding costs in accordance with rule 74-84.**

**(3) You may apply under rule 29 for this Order to be varied, suspended or set aside.**